

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR  
9004-1(b)

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WELLS FARGO BANK, N.A. AS  
SUCCESSOR BY MERGER TO WACHOVIA  
BANK, N.A.  
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In Re:

DANIEL JAMES MACRAE, JR

Debtor(s).



Order Filed on November 6, 2017  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No.: 16-11323 MBK

Chapter: 13

Hearing Date: November 7, 2017

Judge: Honorable Michael B.  
Kaplan

Recommended Local Form: ☒ Followed ☐ Modified

ORDER RESOLVING MOTION TO VACATE STAY  
AND/OR MOTION TO DISMISS  
WITH CONDITIONS

The relief set forth on the following pages, numbered two (2)  
through four (4) is hereby ORDERED.

DATED: November 6, 2017

A handwritten signature in black ink, reading "Michael B. Kaplan".  
\_\_\_\_\_  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

Applicant:	WELLS FARGO BANK, N.A. AS SUCCESSOR BY MERGER TO WACHOVIA BANK, N.A.
Applicant's Counsel:	Fein, Such, Kahn & Shepard, P.C.
Debtor's Counsel:	PATRICK MOSCATELLO
Property Involved (Collateral")	743 JAMAICA BLVD TOMS RIVER, NJ 08757

Relief sought:        ☒ Motion for relief from the automatic stay

☐ Motion to dismiss

☐ Motion for prospective relief to prevent  
imposition of automatic stay against the  
collateral by debtor's future bankruptcy  
filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is  
(are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 4 months, from July, 2017 to  
October, 2017.

☒ The Debtor is overdue for 1 partial payment at \$174.28  
for July, 2017 and 3 payments at \$966.02 for August, 2017 to  
October, 2017.

☐ The Debtor is assessed for N/A late charges at N/A per  
month.

☐ Applicant acknowledges receipt of funds in the amount of  
N/A received after the motion was filed.

Total Arrearages Due \$3,072.34.

2. Debtor must cure all post-petition arrearages, as follows:

☐ Immediate payment shall be made in the amount of \$N/A.  
Payment shall be made no later than N/A.

☒ Beginning on November 1, 2017, regular monthly mortgage  
payments shall continue to be made in the amount of \$966.02.

☒ Beginning on November 1, 2017, additional monthly cure  
payments shall be made in the amount of \$384.04 for 7 months  
for November, 2017 to May, 2018 and one cure payment shall  
be made in the amount of \$384.06 for June, 2018.

☐ The amount of \$N/A shall be capitalized in the debtor's

Chapter 13 plan. The debtor's monthly payment to the Chapter 13 Trustee is modified to be \$N/A per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment:

☒ Regular monthly payment:      WELLS FARGO BANK, N.A.  
MAC: B6955-01B  
PO BOX 31557  
Billings, MT 59107

☒ Monthly cure payment:      WELLS FARGO BANK, N.A.  
MAC: B6955-01B  
PO BOX 31557  
Billings, MT 59107

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$N/A, and costs of \$N/A.

The fees and costs are payable:

☐ through the Chapter 13 plan.

☐ to the Secured Creditor within \_\_\_\_\_ days.

☒ Attorneys' fees are not awarded.